

REMARKS/ARGUMENTS

This Response is submitted in further response to the Office Action dated January 8, 2008..

Claims 118 and 120 stand objected to based on formalities. Applicants request withdrawal of these objections as the claims are amended to remove these informalities. As these amendments involve informalities these is amendments should not raise any new issues and should place this case in condition for allowance.

Claims 118-120, 122, 123, 128, 129 and 1333-138 stand rejected under 35 USC 103 (a) as allegedly being unpatentable over Miwa et al (July 25, 2002) of record in view of US Patent No. 5,763,218.

This rejection was vacated but has been reinstated based on an alleged defect concerning the 1.131 Affidavit. Particularly, the Examiner finds it inadequate based on the omission of Mark Zoller to sign this document. Dr. Zoller was originally named as an inventor based on method claims (screening assays) for which he helped design and reduce to practice.

Applicants respectfully note that this Reply contains a Petition requesting the removal of Mark Zoller as a co-inventor based on the fact that he did not make an inventive contribution to any of the current claims. This Petition is by the undersigned, a registered Patent attorney, and an attorney of record herein, as permitted under the rules.

Based thereon, Applicants respectfully submit that the prior submitted 131 Affidavit should be accepted and therefore the prior art rejection based on Miwa in view of the Fuji et al reference is improper and therefore should be vacated.

Claims 130-132, 139 and 140 also stand rejected under 35 USC 103 (a) as allegedly being unpatentable over Miwa et al (July 25, 2002) of record in view of US Patent No. 5,763,218 and further in view of US Patent No. 6,004,808 by Negelescu et al. .

This rejection also was previously vacated but has been reinstated based on an alleged defect concerning the 1.131 Affidavit. Particularly, the Examiner finds it inadequate based on the omission of Mark Zoller to sign this document. Dr. Zoller was originally named as an inventor based on method claims (screening assays) for which he helped design and reduce to practice.

Applicants again respectfully note that this Reply contains a Petition requesting the removal of Mark Zoller as a co-inventor based on the fact that he did not make an inventive contribution to any of the current claims. This Petition is by the undersigned, a registered Patent attorney, and an attorney of record herein, as permitted under the rules.

Based thereon, Applicants respectfully submit that the prior submitted 131 Affidavit should be accepted and therefore the prior art rejection based on Miwa in view of the Fuji et al and the Negulescu et al. references is improper and therefore should be vacated.

This response is being submitted with a one month extension of time fee in the amount of \$60.00 and a Petition fee in the amount of \$130.00. In the event a variance exist in the calculations by the USPTO, Applicants hereby authorize the granting of any extension of time,

including the appropriate fees as required to enter this response. Please charge or credit any variance of the amount enclosed to our Deposit Account Number 50-0206.

Respectfully submitted,

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